

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

DEMETRIUS HARVEY,

No. C 07-01681 SBA

Plaintiff,

ORDER

v.

[Docket No. 48]

CITY OF OAKLAND, *et al.*,

Defendants.

This matter arises under section 1983 of title 42, brought by plaintiff against the City of Oakland and agents employed within its police department. Plaintiff filed his complaint on March 23, 2007, *see* Docket No. 1, and this matter was assigned to Judge Martin J. Jenkins, Docket No. 53. On December 31, 2007, plaintiff filed a Motion to Produce Documents and Tangible Things, or to Enter onto Land (the "Motion"). *See* Docket No. 48. There is no indication on the docket, however, that plaintiff ever noticed the Motion for a hearing. On February 15, 2008, this matter was reassigned to Judge Phyllis J. Hamilton. Docket No. 53. She recused herself on February 19, 2008, Docket No. 54, and this matter was reassigned to this Court, on February 21, 2008, Docket No. 55. In the Reassignment Order to this Court plaintiff was instructed to renote all matters set for hearing before Judge Jenkins. *Id.* Plaintiff has never renoted (or perhaps noticed) the Motion, which is now over a year old. As plaintiff has taken no steps to prosecute the Motion, the Court DENIES it without prejudice.

IT IS SO ORDERED.

July 7, 2008


Saundra Brown Armstrong
United States District Judge

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA

4 HARVEY et al,

5 Plaintiff,

6 v.

7 CITY OF OAKLAND et al,

8 Defendant.
9 _____/

Case Number: CV07-01681 SBA

CERTIFICATE OF SERVICE

10 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court,
11 Northern District of California.

12 That on July 7, 2008, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies)
13 in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in
14 the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's
15 office.

16 Demetrius Harvey
17 360 So Helm Avenue
18 Fresno, CA 93727

19 Dated: July 7, 2008

Richard W. Wieking, Clerk
By: LISA R CLARK, Deputy Clerk